



Attorney Docket No. 56086CON2 (71699)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Varner et al.

Application No.: 10/823,089

Examiner: Benjamin Huh

Filed: April 12, 2004

Group Art Unit: 3767

For: DEVICES FOR INTRAOCULAR DRUG DELIVERY

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION; 37 C.F.R. § 1.321(c)**

Sir:

I, Lisa Swiszc Hazzard, represent that I am an attorney of record for this patent application.

The assignee, Johns Hopkins University, owns the entire right, title and interest in U.S.S.N. 10/823,089 by virtue of an assignment recorded on December 19, 2003 at Reel 014832, Frame 0782 from Signe Varner, Eugene DeJuan, Jr., Terry Shelley, Aaron Barnes, and Mark Humayun to Johns Hopkins University. The assignee, Johns Hopkins University, also owns the entire right, title and interest in U.S.S.N. 10/740,698, filed December 19, 2003.

The terminal part of the statutory term of any patent granted on U.S.S.N. 10/823,089 that would extend beyond the expiration date of the full statutory term, or any extensions thereto, defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S.N.N. 10/740,698 forming the basis of the double patenting rejection, is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on U.S.S.N. 10/823,089 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S.N.N. 10/740,698. This agreement shall run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

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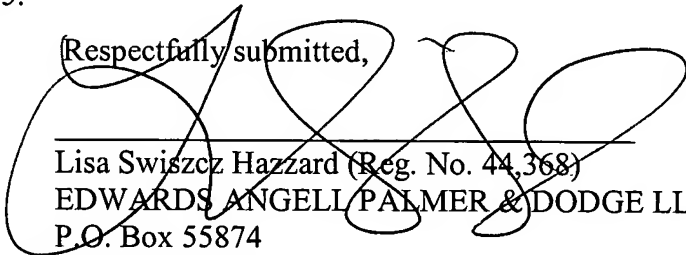
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In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on U.S.S.N. 10/823,089 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S.N.N. 10/740,698, in the event that U.S.N.N. 10/740,698 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter, or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for separation of legal title stated above.

For the required filing fee in accordance with 37 C.F.R. §1.321(b)(4) and 37 C.F.R. §1.20(d), please charge Deposit Account No. 04-1105. If additional money is required, please also charge Deposit Account No. 04-1105.

Date: September 12, 2007

Respectfully submitted,



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